IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 4195 of 2007(Y)

PETITIONER:

T.C. ABUBECKAR, S/O. ABDULLA MUSLIAR,
AGED 55 YEARS, RESIDING AT THOTTARAPPIL,
CHALIPARAMBIL P.O., KADAPPURAM,
THRISSUR.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHUTHI BHAVAN, TRIVANDRUM.

2. THE ASSISTANT ENGINEER (ELECTRICAL
SECTION) BEACH CHAVAKKAD, KSEB,
CHAVAKKAD.

3. SENIOR SUPERINTENDENT,
ELECTRICAL SECTION, BEACH MANATHALA,
KSEB.

4. SUB ENGINEER, ELECTRICAL SECTION,
BEACH CHAVAKAD, KSEB CHAVAKKAD.

BY ADV. SRI. JOSE.J.MATHAIKEL, SC KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 4195/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE BILLS RECEIVED BY THE PETITIONER FROM 11/1/2006 TO 29/5/2006.

EXT.P2. COPY OF THE MAHAZAR PREPARED BY THE RESPONDENT AUTHORITIES.

EXT.P3. COPY OF THE BILL ISSUED BY THE R1 AUTHORITIES DT. 28/11/2006.

EXT.P4. COPY OF THE COMPLAINT NO. CC 911/2006 FILED BEFORE THE CONSUMER DISPUTES REDRESSAL FORUM, THRISSUR.

EXT.P5. COPY OF THE IA NO. 1187/2006 IN CC NO. 911/2006.

EXT.P6. COPY OF THE ORDER DT. 7/11/2006.

EXT.P7. COPY OF THE OBJECTION FILED BY THE RESPONDENTS IN CC NO. 911/2006.

EXT.P8. COPY OF THE LETTER DT. 9/1/2007 ISSUED BY THE R2 TO THE PETITIONER.

EX.T.P9. COPY OF THE ORDER IN IA NO. 1298/2006 IN REVISION NO. 60/2006.

EXT.P10. COPY OF THE BILL DT. 8/11/2006.

EXT.P11. COPY OF THE BILL DT. 10/1/2007.

[True Copy]

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.4195 OF 2007-Y

Judgment

The petitioner is a consumer of electricity under the respondents with Consumer No.1475/0. He has been served with Ext.P3 additional bill pursuant to Ext.P2 mahazar prepared by the Anti Power Theft Squad, which found that there is additional connected load. Immediately on inspection by the squad, the power supply was disconnected. The petitioner moved the District Consumer Disputes Redressal Forum, challenging the action of the Board. Pursuant to the interim order of the said forum, the power supply was restored. The Electricity Board challenged the said order before the State Commission by filing a revision. The Commission stayed the order of the forum. Immediately, thereafter, again power supply was disconnected. In the above background, this Writ Petition is filed, praying for a direction to resume power supply to his residential building with Consumer No.1475/0.

2. I heard the learned Standing Counsel for the respondents also. Since the matter is pending before the Consumer Disputes Redressal Forum it is not proper for this Court to go into the sustainability of Ext.P3 additional bill. The learned Standing Counsel for the Electricity Board expressed a doubt that it is not sure whether the matter is still pending before the Forum. As per the instruction received by him, there was an attempt from the part of the petitioner to withdraw the petition filed before the Forum as part of the settlement with the KSEB.

3. The power supply shall be restored to the petitioner's residence, if he

pays Rs.25,000/- (Rupees Twenty Five Thousand only). If the dispute is even now pending before the Forum, further payment will be subject to final orders in the matter. If the case is already withdrawn and it is not pending, the petitioner shall pay the balance amount due under Ext.P3 within one month after restoration of the power supply.

The Writ Petition is disposed of as above.

15.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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